

105TH CONGRESS
1ST SESSION

H. R. 550

To amend the Federal Water Pollution Control Act to establish requirements and provide assistance to prevent nonpoint sources of water pollution, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1997

Mr. OBERSTAR introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Federal Water Pollution Control Act to establish requirements and provide assistance to prevent nonpoint sources of water pollution, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nonpoint Source
5 Water Pollution Prevention Act of 1997”.

6 **SEC. 2. POLICY, FINDINGS, AND PURPOSES.**

7 (a) **POLICY.**—It is the policy of the United States to
8 consummate the objective set forth in the Federal Water

1 Pollution Control Act to “restore and maintain the chemi-
2 cal, physical, and biological integrity of the Nation’s wa-
3 ters”.

4 (b) FINDINGS.—Congress finds the following:

5 (1) While the Federal Water Pollution Control
6 Act spoke to control of all sources of water pollution,
7 subsequent legislative and regulatory actions have
8 concentrated on point sources.

9 (2) United States citizens as Federal and State
10 taxpayers have spent \$75,000,000,000 to clean up
11 municipal point sources. Citizens as consumers have
12 spent \$130,000,000,000 to clean up industrial point
13 sources. Ninety percent of municipalities, and 95
14 percent of industry, currently comply with the Fed-
15 eral Water Pollution Control Act. Despite this costly
16 sacrifice, and high compliance rate, at least $\frac{1}{3}$ of
17 the Nation’s waters have not attained water quality
18 standards.

19 (3) The major cause of this failure are nonpoint
20 sources of pollution: the neglected legacy and unfin-
21 ished agenda set forth in 1972 in the Federal Water
22 Pollution Control Act.

23 (4) It is time to complete the task set forth in
24 1972.

1 (5) Nonpoint sources are best addressed on a
2 watershed basis by State and local and public and
3 private organizations and by citizens. The Federal
4 Government is a contributor, and must accept its
5 share of responsibility, but the prime authority and
6 most effective means are the province of State and
7 local entities. The Federal Government's financial,
8 technical, and human resources must be harnessed
9 to assist in this effort.

10 (6) The right to private action on private land
11 is circumscribed by the responsibility not to destroy
12 natural resources which are the heritage of all Amer-
13 icans. Pollution of the Nation's waters is not a right,
14 inviolate; nor is it free. Private pollution imposes
15 heavy public costs; denies rights, in terms of human
16 and aquatic health, clean water for industry, and
17 recreation; and impoverishes the enjoyment of these
18 rights by future generations.

19 (7) Section 319 of the Federal Water Pollution
20 Control Act, the Coastal Zone Act Reauthorization
21 Amendments of 1990, and the water quality pro-
22 grams of the Department of Agriculture have laid

1 the basis for and offer the supporting means to con-
2 trol and prevent nonpoint sources of pollution. Fur-
3 ther legislation and resources are necessary to com-
4 plete the task in a timely fashion.

5 (8) To the extent the Federal Government con-
6 tinues to contribute financially to the water pollution
7 control effort, those resources should be divided be-
8 tween point and nonpoint sources on a basis com-
9 mensurate with each aspect of the problem.

10 (c) PURPOSES.—The purposes of this Act are—

11 (1) to prevent where possible, and reduce else-
12 where, nonpoint sources of pollution which, 2 dec-
13 ades after enactment of the Federal Water Pollution
14 Control Act, are the major cause of the degradation
15 of the Nation's waters;

16 (2) to control and eliminate nonpoint sources of
17 pollution on Federal lands by creating a Federal
18 program and placing it directly under the President;

19 (3) to provide State and, to the extent possible,
20 local government and nongovernmental entities with
21 the means and responsibility for preventing nonpoint
22 source pollution within their jurisdictions;

23 (4) to encourage and reward compliance by will-
24 ing land owners and operators, while assuring that
25 they will not suffer competitive disadvantages from

1 those who refuse to comply with sound pollution pre-
2 vention practices;

3 (5) to enable citizens to participate more di-
4 rectly in cleansing the Nation's waters by providing
5 individual land owners and operators and other citi-
6 zens of a watershed the opportunity to participate in
7 designing their watershed implementation program
8 and through establishment of quality-assured citizen
9 monitoring programs to complement on-going State
10 monitoring efforts;

11 (6) to address water quality problems on a wa-
12 tershed basis; and

13 (7) to assure and enhance the health and well-
14 being of current and future generations of citizens,
15 business and industry, as well as the natural flow,
16 habitat structure, and biodiversity of the full range
17 of aquatic ecosystems.

18 **TITLE I—NONPOINT SOURCE**
19 **MANAGEMENT PROGRAMS**

20 **SEC. 101. REVISION OF STATE NONPOINT SOURCE MANAGE-**
21 **MENT PROGRAMS.**

22 Title III of the Federal Water Pollution Control Act
23 (33 U.S.C. 1311–1330) is amended by adding at the end
24 the following new section:

1 **“SEC. 321. REVISION OF NONPOINT SOURCE MANAGEMENT**
2 **PROGRAMS.**

3 “(a) IN GENERAL.—The Governor of each State
4 shall, in accordance with the requirements of this section,
5 revise the management program of the State under section
6 319 for the purpose of achieving, in combination with con-
7 trols over point sources, full restoration and protection of
8 each target watershed in the State.

9 “(b) REGULATIONS.—Not later than 1 year after the
10 date of the enactment of this section, the Administrator
11 shall issue regulations and guidelines to carry out this sec-
12 tion.

13 “(c) IDENTIFICATION AND PRIORITIZATION OF TAR-
14 GET WATERSHEDS; NOTICE TO LAND OWNERS.—Not
15 later than 180 days after the date of issuance of regula-
16 tions under subsection (b), the Governor of each State
17 shall complete the following:

18 “(1) Identify target watersheds in the State.

19 “(2) Prioritize target watersheds in the State
20 into 5 priority groups (each consisting of approxi-
21 mately $\frac{1}{5}$ of the target watersheds) on the basis of
22 the relative severity of nonpoint source pollution
23 problems in the target watersheds and other relevant

1 considerations. In prioritizing such target water-
2 sheds, the Governor may distribute among the prior-
3 ity groups those watersheds which have been most
4 severely impacted by nonpoint sources.

5 “(3) Provide notice to land owners and opera-
6 tors designated by the State pursuant to subsection
7 (d)(2)(B) in 1st priority group watersheds that such
8 land owners and operators will be required to imple-
9 ment site-level programs.

10 “(d) REQUIRED REVISIONS.—

11 “(1) IN GENERAL.—The Governor of each
12 State, for that State or in combination with adjacent
13 States, shall, not later than 2 years after the date
14 of issuance of regulations under subsection (b), and
15 after notice and public comment, prepare and sub-
16 mit to the Administrator for approval revisions to
17 the management program of the State.

18 “(2) CONTENTS.—As revised under this sub-
19 section, the management program of a State shall,
20 at a minimum, contain the following:

21 “(A) LISTING OF TARGET WATERSHEDS.—

22 A listing of target watersheds in the State by
23 priority group, as identified pursuant to sub-
24 section (c).

1 “(B) SITE-LEVEL IMPLEMENTATION PRO-
2 GRAM.—An identification of a program under
3 which the State will require land owners and
4 operators located in target watersheds to de-
5 velop and implement site-level programs and
6 will apply enforceable mechanisms in all cases
7 in which land owners and operators fail to de-
8 velop and implement such programs. Such iden-
9 tification shall include—

10 “(i) a description of methods used by
11 the State to designate land owners and op-
12 erators who will be required by the State
13 to implement site-level programs;

14 “(ii) a description of procedures to be
15 used by the State to approve or disapprove
16 site-level programs;

17 “(iii) a description of basic soil tests
18 and nutrient balance assessments which
19 the State will require land owners and op-
20 erators to conduct on agricultural lands to
21 ensure that crop nutrient availability on
22 such lands does not exceed levels rec-
23 ommended by cooperative extension agron-
24 omy manuals of the Department of Agri-
25 culture;

1 “(iv) a description of monitoring tech-
2 niques which will be used by the State to
3 assess the success of site-level programs;
4 and

5 “(v) a description of enforceable
6 mechanisms which will be used by the
7 State to achieve compliance with the re-
8 quirements of the program.

9 “(C) IDENTIFICATION OF MONITORING
10 TECHNIQUES.—An identification of monitoring
11 techniques which will be used by the State to
12 assess the success of implementation of the
13 management program. Such monitoring tech-
14 niques shall include random on-site inspections
15 and in situ water quality monitoring of most
16 sensitive native and introduced fish species.

17 “(D) PROCEDURES FOR IDENTIFYING NEW
18 SOURCES.—Procedures and authority for identi-
19 fying and preventing new nonpoint sources of
20 pollution resulting from land use changes. Such
21 procedures shall be consistent with regulations
22 issued pursuant to section 304(n).

23 “(E) PROCEDURES FOR ADDING
24 SOURCES.—Procedures for adding categories

1 and subcategories of nonpoint sources of pollu-
2 tion and particular nonpoint sources of pollu-
3 tion to the categories, subcategories, and
4 nonpoint sources designated under section
5 319(a)(1)(B) in order to reflect information ob-
6 tained through monitoring.

7 “(F) WATERSHED IMPLEMENTATION PRO-
8 GRAM FOR 1ST PRIORITY GROUP WATER-
9 SHEDS.—A program for implementation of the
10 management program in 1st priority group wa-
11 tersheds identified under subsection (c). Such
12 program shall comply with the requirements for
13 such program contained in subsection (e).

14 “(G) PROCEDURES FOR ADDING WATER-
15 SHEDS.—Procedures for adding watersheds to
16 the target watersheds and priority groups iden-
17 tified under subsection (c) in order to reflect
18 changes in water quality standards, changes in
19 land uses, and information obtained through
20 monitoring.

21 “(H) RECERTIFICATION.—A recertification
22 under section 319(b)(2)(D) of the authority of
23 the State to implement the management pro-
24 gram, as revised under this subsection, or a

1 schedule and commitment by the State to seek
2 such authority.

3 “(I) SOURCES OF ASSISTANCE.—An up-
4 date of sources and other assistance listed pur-
5 suant to section 319(b)(2)(E).

6 “(J) OTHER REVISIONS.—Such other revi-
7 sions as the Administrator may require.

8 “(3) DESIGNATION OF LAND OWNERS AND OP-
9 ERATORS.—

10 “(A) IN GENERAL.—Except as provided by
11 subparagraphs (B), (C), and (D), all land own-
12 ers and operators in target watersheds who con-
13 duct nonpoint source activities identified under
14 section 319(a)(1)(B), or who conduct other
15 nonpoint source activities identified by the
16 State as causing or contributing to the overall
17 degradation of a target watershed, shall be des-
18 ignated to implement site-level programs pursu-
19 ant to paragraph (2)(B).

20 “(B) LAND OWNERS AND OPERATORS PAR-
21 TICIPATING IN QUALIFIED PROGRAMS.—

22 “(i) IN GENERAL.—A land owner or
23 operator participating in and complying
24 with the requirements of a qualified pro-
25 gram shall be treated as having satisfied

1 the requirements for implementation of a
2 site-level program under paragraph (2)(B)
3 with respect to pollutants and land areas
4 regulated under the qualified program.

5 “(ii) QUALIFIED PROGRAM DE-
6 FINED.—For the purposes of clause (i),
7 the term ‘qualified program’ means any of
8 the following:

9 “(I) The Conservation Reserve
10 Program established under section
11 1231 of the Food Security Act of
12 1985.

13 “(II) The Agriculture Water
14 Quality Protection Program estab-
15 lished under section 1238B of the
16 Food Security Act of 1985.

17 “(III) The Integrated Farm
18 Management Program Option estab-
19 lished under section 1451 of the
20 Food, Agriculture, Conservation, and
21 Trade Act of 1990.

22 “(IV) The Organic Certification
23 Program under title XXI of the Food,
24 Agriculture, Conservation, and Trade
25 Act of 1990.

1 “(V) The Coastal Zone Reauthor-
2 ization Amendments of 1990.

3 “(iii) FINANCIAL ASSISTANCE NOT RE-
4 QUIRED.—For the purposes of this sub-
5 paragraph, a land owner or operator shall
6 be considered to be participating in and
7 complying with the requirements of a
8 qualified program, whether or not the land
9 owner or operator is receiving financial as-
10 sistance under such program, if the spon-
11 soring agency provides certification with
12 respect to such compliance.

13 “(C) EXEMPTIONS FOR CATEGORIES AND
14 SUBCATEGORIES OF LAND OWNERS AND OPERA-
15 TORS.—A State may exempt a category or sub-
16 category of land owners and operators from re-
17 quirements for implementation of site-level pro-
18 grams under paragraph (2)(B) if the State de-
19 termines that such category or subcategory of
20 land owners and operators does not cause or
21 contribute significantly to the overall degrada-
22 tion of the target watershed.

23 “(D) EXEMPTIONS FOR SEVERE ECONOMIC
24 HARDSHIP.—A State may exempt a land owner

1 or operator from requirements for implementa-
2 tion of a site-level program under paragraph
3 (2)(B) if the land owner or operator can dem-
4 onstrate severe economic hardship. Any such
5 demonstration shall include written loan denials
6 from at least 2 credit sources, including, in the
7 case of farm owners and operators, the Farm-
8 ers Home Administration. Any exception issued
9 under this subparagraph shall not apply with
10 respect to requirements to implement low cost
11 management practices for which major capital
12 outlays are not required.

13 “(E) ADEQUACY OF COVERAGE.—In grant-
14 ing exemptions to land owners and operators
15 under subparagraphs (C) and (D), a State shall
16 ensure that implementation of management
17 measures by land owners and operators in the
18 watershed will be sufficient to achieve full res-
19 toration and protection of the watershed in the
20 applicable 8-year period specified in subsection
21 (e)(2).

22 “(4) SOURCES OF ASSISTANCE.—In providing
23 notification to land owners and operators who will be
24 required to implement site-level programs pursuant

1 to paragraph (2)(B), a State shall specify proce-
2 dures for obtaining State approval of site-level pro-
3 grams and shall identify Federal, State, and local
4 sources of technical assistance, education, and other
5 support for the development and implementation of
6 such programs.

7 “(5) COOPERATION REQUIREMENT.—Revisions
8 to the management program of a State to be submit-
9 ted under paragraph (1) shall be developed in co-
10 operation with local, substate regional, Federal, and
11 interstate entities, including local natural resource
12 conservation districts, as well as with other public
13 and private entities which have expertise in the con-
14 trol and prevention of nonpoint sources of pollution.

15 “(6) LIMITATION ON STATUTORY CONSTRUC-
16 TION.—Nothing in this subsection shall be construed
17 to preclude a State from adopting or enforcing
18 stricter standards than those contained in a revised
19 management program.

20 “(e) WATERSHED IMPLEMENTATION PROGRAMS.—

21 “(1) IN GENERAL.—In addition to the revisions
22 required under subsection (d), the Governor of each
23 State shall, in accordance with the schedule estab-
24 lished by paragraph (6), and after notice and public
25 comment, submit to the Administrator for approval

1 a program for implementation of the management
2 program of the State in each target watershed iden-
3 tified by the State under subsection (c).

4 “(2) FULL RESTORATION AND PROTECTION.—

5 It shall be the purpose of each implementation pro-
6 gram for a target watershed submitted under para-
7 graph (1) to achieve full restoration and protection
8 of the watershed before the expiration of the 8-year
9 period beginning on the date of approval of the im-
10 plementation program.

11 “(3) WATERSHED MANAGEMENT CON-

12 FERENCES.—

13 “(A) IN GENERAL.—Each implementation

14 program for a target watershed submitted
15 under paragraph (1) shall be developed in con-
16 sultation with a watershed management con-
17 ference to be convened by the Governor.

18 “(B) MEMBERSHIP.—In convening a wa-

19 tershed management conference under this
20 paragraph, the Governor shall ensure that
21 members of the conference include representa-
22 tives of the following:

23 “(i) Categories and subcategories of

24 nonpoint sources.

1 “(ii) Categories and subcategories of
2 point sources, including publicly owned
3 treatment works.

4 “(iii) Categories of significant water
5 users, including public water suppliers.

6 “(iv) Appropriate Federal, State, and
7 local agencies.

8 “(v) The environmental community.

9 “(vi) The scientific community.

10 “(vii) Tribal councils, in cases in
11 which target watersheds include tribal
12 lands.

13 “(viii) Other interested parties.

14 “(C) ROLE OF EXISTING ORGANIZA-
15 TIONS.—In cases in which there exists a water-
16 shed council or river basin management com-
17 mission with a decisionmaking body containing
18 representatives described in subparagraph (B),
19 such watershed council or river basin manage-
20 ment commission may carry out the functions
21 of a watershed management conference under
22 this paragraph.

23 “(4) CONTENTS.—Each implementation pro-
24 gram for a target watershed submitted under para-
25 graph (1) shall include the following:

1 “(A) LISTING OF CATEGORIES OF LAND
2 OWNERS AND OPERATORS.—A listing of cat-
3 egories of land owners and operators designated
4 by the State pursuant to subsection (d)(2)(B)
5 to implement site-level programs and a descrip-
6 tion of the relative contribution which each such
7 category of land owners and operators is ex-
8 pected to make toward achieving full restoration
9 and protection.

10 “(B) CERTIFICATION.—A certification
11 that, on or before the date of submission of the
12 implementation program, land owners and oper-
13 ators in categories listed pursuant to subpara-
14 graph (A) have developed site-level programs,
15 have received State approval to implement such
16 site-level programs, and will begin implementa-
17 tion of such site-level programs immediately
18 upon approval of the implementation program
19 and that the State will apply enforceable mech-
20 anisms in all cases in which land owners and
21 operators have not complied with such require-
22 ments.

23 “(C) IDENTIFICATION OF PROGRAMS.—An
24 identification of all programs which will be car-
25 ried out by the State to achieve and evaluate

1 implementation of management measures in the
2 watershed, including the program required by
3 subsection (d)(2)(B), any program identified
4 pursuant to section 319(b)(2)(B), and any
5 monitoring program under section 305(b).

6 “(D) POLITICAL SUBDIVISIONS.—An iden-
7 tification of political subdivisions and other
8 public and private entities which will work with
9 the State to carry out the implementation pro-
10 gram.

11 “(E) SOURCES OF ASSISTANCE.—Sources
12 of assistance, other than assistance provided
13 under section 319, which are available to the
14 State for carrying out the implementation pro-
15 gram and the purposes for which such assist-
16 ance will be used.

17 “(F) ANNUAL MILESTONES.—Annual mile-
18 stones for achieving full restoration and protec-
19 tion of the watershed.

20 “(5) SCHEDULE FOR SUBMISSION OF IMPLE-
21 MENTATION PROGRAMS.—The Governor of each
22 State shall submit a watershed implementation pro-
23 gram under paragraph (1) for each target watershed
24 in a priority group identified under subsection (c) in
25 accordance with the following schedule:

“For each target watershed in the following priority group of the State: An implementation program shall be submitted:

1st priority group	As part of revisions to the State’s management program under subsection (d).
2nd priority group	Not later than 1½ years after the date of approval of revisions of the State’s management program.
3rd priority group	Not later than 2½ years after the date of approval of revisions to the State’s management program.
4th priority group	Not later than 3½ years after the date of approval of revisions to the State’s management program.
5th priority group	Not later than 4½ years after the date of approval of revisions to the State’s management program.

1 “(6) SCHEDULE FOR NOTIFICATION OF LAND
2 OWNERS AND OPERATORS.—The Governor of each
3 State shall notify land owners and operators des-
4 ignated by the State to implement site-level pro-
5 grams pursuant to subsection (d)(2)(B) in accord-
6 ance with the following schedule:

“For each target watershed in the following priority group of the State: Land owners and operators shall be notified:

1st priority group	As provided by subsection (c).
2nd priority group	Not later than 6 months after the date of approval of revisions to the State’s management program.
3rd priority group	Not later than 1½ years after the date of approval of revisions to the State’s management program.
4th priority group	Not later than 2½ years after the date of approval of revisions to the State’s management program.
5th priority group	Not later than 3½ years after the date of approval of revisions to the State’s management program.

7 “(f) APPROVAL AND DISAPPROVAL OF PROGRAMS.—

8 “(1) IN GENERAL.—Revisions to the manage-
9 ment program of a State under subsection (d) and

1 each implementation program for a target watershed
2 under subsection (e) shall be submitted to, and ap-
3 proved or disapproved by, the Administrator in ac-
4 cordance with the procedures described in section
5 319(d).

6 “(2) LOCAL AGENCIES AND ORGANIZATIONS.—

7 A local public agency or organization shall be eligible
8 for technical and financial assistance under section
9 319(e) in any case in which a State fails to submit
10 revisions to the management program of the State
11 under subsection (d) (or the Administrator does not
12 approve such revisions) and in any case in which a
13 State fails to submit an implementation program for
14 a target watershed under subsection (e) (or the Ad-
15 ministrator does not approve such implementation
16 program).

17 “(3) PREPARATION OF PROGRAMS BY EPA.—

18 The Administrator shall prepare revisions to the
19 management program of a State and shall prepare
20 an implementation program for a target watershed
21 in a State in any case in which such revisions or im-
22 plementation program are not prepared by the State
23 or by a local public agency or organization in the
24 State in accordance with the requirements of this
25 section.

1 “(g) ELIGIBILITY FOR GRANTS FOR IMPLEMENTA-
2 TION OF MANAGEMENT PROGRAMS.—

3 “(1) IN GENERAL.—Except as provided by
4 paragraph (2), no grant shall be made to a State
5 under section 319(h) in any fiscal year unless the
6 Administrator determines that the State in the pre-
7 vious fiscal year—

8 “(A) complied with all applicable require-
9 ments contained in this section, including re-
10 quirements relating to identification and
11 prioritization of target watersheds, notification
12 of land owners and operators, submission of re-
13 vised management programs, submission of im-
14 plementation programs, use of enforceable
15 mechanisms, and implementation of additional
16 management measures; and

17 “(B) made satisfactory progress in meeting
18 annual milestones for achieving full restoration
19 and protection of each target watershed in the
20 State under the implementation program for
21 such watershed developed under subsection (e).

22 “(2) SPECIAL RULE.—If the Administrator de-
23 termines under paragraph (1) that a State has met
24 the requirements described in such paragraph only
25 with respect to certain watersheds in the State, the

1 Administrator may make a grant to the State under
2 section 319(h) to assist the State in implementing
3 its management program in such watersheds.

4 “(3) MONITORING.—The Administrator shall
5 make determinations regarding satisfactory progress
6 under paragraph (1)(B) on the basis of certifications
7 made by each State as to the results of monitoring
8 activities being conducted by the State.

9 “(h) PENALTIES.—

10 “(1) IN GENERAL.—Immediately upon a deter-
11 mination by the Administrator under subsection
12 (g)(1) that a State has not met the requirements of
13 this section, and until such time as the Adminis-
14 trator determines otherwise, the following restric-
15 tions shall apply with respect to the State:

16 “(A) The Administrator or the State (in
17 the case of an approved permit program under
18 section 402) shall not approve any application
19 for a new permit under section 402 and shall
20 not allow any increase in discharges covered
21 under existing permits under section 402.

22 “(B) The Secretary of the Army or a State
23 (in the case of an approved permit program
24 under section 404) shall not approve any appli-
25 cation for a new permit under section 404 and

1 shall not allow any increase in discharges cov-
2 ered under existing permits under section 404.

3 “(2) SPECIAL RULE.—If the Administrator de-
4 termines under subsection (g)(1) that a State has
5 met the requirements described in such subsection
6 with respect to certain watersheds in the State, the
7 restrictions described in paragraph (1) shall not
8 apply with respect to such watersheds.

9 “(3) APPLICATION FOR NEW PERMIT DE-
10 FINED.—For the purposes of this subsection, the
11 term ‘application for a new permit’ shall not include
12 an application to renew an existing permit.

13 “(i) ADDITIONAL MEASURES.—If the Governor of a
14 State determines, upon the expiration of the 8-year period
15 beginning on the date of approval of an implementation
16 program for a target watershed submitted under sub-
17 section (e), that full restoration and protection of the tar-
18 get watershed has not been achieved, the Governor shall,
19 in each succeeding 2-year period, take either or both of
20 the following actions to ensure that full restoration and
21 protection is achieved before the expiration of the 12-year
22 period beginning on such date:

1 “(A) Require land owners and operators who
2 have implemented site-level programs and land own-
3 ers and operators participating in qualified pro-
4 grams, as defined in subsection (d)(3)(B), in the
5 target watershed to undertake additional manage-
6 ment measures under such programs.

7 “(B) Require additional land owners and opera-
8 tors (including, as necessary, land owners and opera-
9 tors participating in qualified programs, as defined
10 in subsection (d)(3)(B)) in the target watershed to
11 implement site-level programs.

12 “(j) ENFORCEMENT OF WATER QUALITY STAND-
13 ARDS.—

14 “(1) IN GENERAL.—Except as provided by
15 paragraph (2), following the expiration of the 8-year
16 period beginning on the date of approval of an im-
17 plementation program for a target watershed sub-
18 mitted under subsection (e) water quality standards
19 shall be enforceable against nonpoint sources of pol-
20 lution in such watershed.

21 “(2) EXCEPTIONS.—In the 4-year period follow-
22 ing the expiration of the 8-year period referred to in
23 paragraph (1), a land owner or operator complying
24 with the requirements of—

1 “(A) a permit issued pursuant to section
2 402,

3 “(B) a site-level program implemented
4 under this section,

5 “(C) a water quality protection plan imple-
6 mented under section 1238B of the Food Secu-
7 rity Act of 1985,

8 “(D) an integrated farm management plan
9 implemented under section 1451(b)(1)(C) of the
10 Food, Agriculture, Conservation, and Trade Act
11 of 1990,

12 “(E) an enforceable coastal nonpoint man-
13 agement plan approved under section 6217 of
14 the Coastal Zone Act Reauthorization Amend-
15 ments of 1990, or

16 “(F) regulations issued pursuant to section
17 319(o), shall not be subject to any penalty for
18 violation of water quality standards with respect
19 to nonpoint source pollutants and land areas
20 regulated under such requirements.

21 “(k) CONTINUED MONITORING.—Upon achievement
22 of full restoration and protection of a target watershed
23 in a State, the Governor shall continue to monitor the wa-
24 tershed to assure that full restoration and protection is
25 maintained.

1 “(l) LIMITATION ON STATUTORY CONSTRUCTION.—
 2 Nothing contained in this section shall be construed to
 3 limit the authority or responsibility of the Administrator
 4 or a State to develop and enforce total maximum daily
 5 loads under section 303(d).

6 “(m) DEFINITIONS.—For the purposes of this section
 7 and section 319, the following definitions apply:

8 “(1) ENFORCEABLE MECHANISMS.—The term
 9 ‘enforceable mechanisms’ means State and local
 10 measures which are legally binding through constitu-
 11 tional provisions, laws, regulations, local land use
 12 plans, ordinances, judicial or administrative deci-
 13 sions, permits, contracts, or other means by which a
 14 State or political subdivision requires compliance
 15 with the provisions of this section.

16 “(2) FULL RESTORATION AND PROTECTION.—
 17 The term ‘full restoration and protection’ means—

18 “(A) attainment and maintenance of all
 19 applicable water quality standards;

20 “(B) protection and propagation of a bal-
 21 anced, indigenous population of aquatic and
 22 aquatic-dependent species, aquatic ecosystem
 23 biodiversity, and habitat restoration and main-
 24 tenance;

25 “(C) protection of public health;

1 “(D) restoration and maintenance of rec-
2 reational activities in and on the water; and

3 “(E) protection of underwater sediments
4 through pollution prevention activities.

5 “(3) INDIGENOUS.—The term ‘indigenous’ in-
6 cludes established populations of introduced, bene-
7 ficial species.

8 “(4) MANAGEMENT MEASURES.—The term
9 ‘management measures’ means economically achiev-
10 able measures for control of the addition of pollut-
11 ants from existing and new categories and classes of
12 nonpoint sources of pollution which reflect the great-
13 est degree of pollutant reduction achievable through
14 the application of the best available nonpoint pollu-
15 tion control methods, technologies, processes, siting
16 criteria, operating methods, or other alternatives.
17 Such term shall include—

18 “(A) measures specified in guidance issued
19 pursuant to section 6217(g) of the Coastal
20 Zone Act Reauthorization Amendments of
21 1990;

22 “(B) water quality protection practices
23 contained in guidance materials for water qual-
24 ity protection developed pursuant to section
25 1238D of the Food Security Act of 1985 and

1 farming operations and practices developed pur-
2 suant to section 1451 of the Food, Agriculture,
3 Conservation, and Trade Act of 1990; and

4 “(C) other measures or comprehensive
5 management plans that assure at least as much
6 water quality protection as the measures and
7 practices specified in subparagraphs (A) and
8 (B).

9 “(5) MANAGEMENT PROGRAM.—The term
10 ‘management program’ means a nonpoint source
11 management program prepared under section 319.

12 “(6) SITE-LEVEL PROGRAM.—The term ‘site-
13 level program’ means a program developed by a land
14 owner or operator under regulations or guidelines is-
15 sued by a State which provides for the implementa-
16 tion of management measures by the land owner or
17 operator. Site-level programs in high-density popu-
18 lation areas may be developed, as determined by the
19 State, by a political subdivision of the State. Site-
20 level programs shall be developed and implemented
21 to be consistent with, and collectively to enable, the
22 attainment and maintenance of full restoration and
23 protection for the watershed.

24 “(7) TARGET WATERSHEDS.—The term ‘target
25 watersheds’ means all watersheds in a State which

1 have been identified as being impaired or threatened
 2 in whole or in part by nonpoint sources of pollution
 3 under section 319(a)(1), section 304(l), or section
 4 305(b) and all watersheds in the State containing
 5 drinking water supplies vulnerable to use impair-
 6 ment and not otherwise included in such identifica-
 7 tions.”.

8 **SEC. 102. GRANTS.**

9 (a) GRANT PROGRAM.—Section 319(h) of the Fed-
 10 eral Water Pollution Control Act (33 U.S.C. 1329(h)) is
 11 amended—

12 (1) in paragraph (1) by inserting “and for
 13 which the Administrator makes an affirmative deter-
 14 mination under section 321(g),” after the first
 15 comma;

16 (2) in paragraph (2) by striking “, including an
 17 identification” and all that follows before the period;

18 (3) by striking paragraphs (5) and (8) and re-
 19 designating paragraphs (6), (7), (9), (10), (11), and
 20 (12) as paragraphs (5), (6), (7), (8), (9), and (10),
 21 respectively;

22 (4) in paragraph (9), as redesignated, by strik-
 23 ing “(A) its progress” and all that follows before the
 24 period and inserting “its progress in obtaining full

1 restoration and protection of target watersheds in
 2 the State”; and

3 (5) in paragraph (10), as redesignated, by
 4 striking “10 percent of the amount of the grant in
 5 such year” and inserting “20 percent of the amount
 6 of the grant in such year or \$200,000, whichever
 7 amount is greater, ”.

8 (b) GRANTS FOR PROTECTING GROUNDWATER
 9 QUALITY.—Paragraph (1) of section 319(i) is amended by
 10 inserting “and for which the Administrator makes an af-
 11 firmative determination under section 321(g),” after the
 12 first comma.

13 **SEC. 103. AUTHORIZATION OF APPROPRIATIONS.**

14 Section 319(j) of the Federal Water Pollution Control
 15 Act (33 U.S.C. 1329(j)) is amended—

16 (1) by striking “and” after “1990,”; and

17 (2) by inserting “, and \$500,000,000 per fiscal
 18 year for each of fiscal years 1997, 1998, 1999,
 19 2000, and 2001” after “1991”.

20 **SEC. 104. REPORTS.**

21 Section 319(m) of the Federal Water Pollution Con-
 22 trol Act (33 U.S.C. 1329(m)) is amended to read as fol-
 23 lows:

24 “(m) REPORTS TO CONGRESS.—The Administrator
 25 shall transmit to Congress on the date that is 4 years after

1 the date of approval of the first watershed implementation
 2 program approved pursuant to section 321(e), and at least
 3 once every 4 years thereafter, a report containing an eval-
 4 uation of the progress made by States in obtaining full
 5 restoration and protection of target watersheds.”.

6 **SEC. 105. INDIAN TRIBES.**

7 (a) SET-ASIDE FOR NONPOINT SOURCE PRO-
 8 GRAMS.—The second sentence of section 518(f) of the
 9 Federal Water Pollution Control Act (33 U.S.C. 1377(f))
 10 is amended to read as follows: “Not less than 5 percent
 11 of the amount appropriated for any fiscal year under sec-
 12 tion 319 shall be used to make grants under this sub-
 13 section.”.

14 (b) TECHNICAL CORRECTION.—The third sentence of
 15 section 518(f) of such Act is amended by striking “sub-
 16 section (d)” and inserting “subsection (e)”.

17 **SEC. 106. MANAGEMENT MEASURES FOR NONPOINT**
 18 **SOURCES OF POLLUTION IN NON-COASTAL**
 19 **AREAS.**

20 Not later than 1 year after the date of the enactment
 21 of this Act, the Administrator of the Environmental Pro-
 22 tection Agency shall publish modifications to guidance for
 23 specifying management measures for sources of nonpoint
 24 pollution issued pursuant to section 6217(g) of the Coastal
 25 Zone Act Reauthorization Amendments of 1990 (104

1 Stat. 1388–317) in order to extend the application of such
 2 guidance to non-coastal areas.

3 **TITLE II—NONPOINT SOURCE**
 4 **PREVENTION ON FEDERAL**
 5 **LANDS**

6 **SEC. 201. REGULATION OF NONPOINT SOURCE POLLUTION**
 7 **ON FEDERAL LANDS.**

8 Section 319 of the Federal Water Pollution Control
 9 Act (33 U.S.C. 1329) is amended by adding at the end
 10 the following new subsection:

11 “(o) FEDERAL LANDS MANAGEMENT PROGRAM.—

12 “(1) REGULATIONS.—Not later than 2 years
 13 after the date of the enactment of this subsection,
 14 the President shall issue regulations for the preven-
 15 tion and control of nonpoint sources of pollution on
 16 all lands owned or managed by the Federal Govern-
 17 ment.

18 “(2) CONTENTS.—Regulations issued under
 19 paragraph (1) shall require random, periodic on-site
 20 and in situ monitoring by the Director of the Geo-
 21 logical Survey and the reporting of the results of
 22 such monitoring to the Administrator. Such regula-
 23 tions shall also require implementation of measures
 24 adequate to attain full restoration and protection of
 25 affected watersheds as soon as practicable but in no

1 event later than 8 years after the date of issuance
2 of such regulations. For the purposes of this para-
3 graph, the term ‘full restoration and protection’ has
4 the meaning given such term in section 321.

5 “(3) EFFECTIVE DATE.—Final regulations is-
6 sued under paragraph (1) shall take effect not later
7 than 1 year after the date of issuance of the regula-
8 tions.

9 “(4) REVISION OF EXISTING LICENSES.—Any
10 license, permit, contract, special use permit, lease,
11 agreement, claim, or related operational authority, in
12 effect before the date of issuance of final regulations
13 under paragraph (1), between a Federal agency and
14 any person authorizing activities on Federal lands
15 shall be revised, as necessary, to comply with the re-
16 quirements of such regulations.

17 “(5) LIMITATION ON STATUTORY CONSTRUC-
18 TION.—Nothing in this subsection shall be construed
19 to limit the authority of a State or the President to
20 require the implementation of such additional con-
21 trols over nonpoint sources of pollution on lands
22 owned or managed by the Federal Government as
23 may be necessary to protect public health and to at-
24 tain and maintain water quality standards adopted

1 pursuant to section 303, antidegradation require-
2 ments, and other requirements of this Act.”.

3 **SEC. 202. HIGHWAY CONSTRUCTION.**

4 Section 319 of the Federal Water Pollution Control
5 Act (33 U.S.C. 1329) is further amended by adding at
6 the end the following new subsection:

7 “(p) HIGHWAY CONSTRUCTION.—

8 “(1) DEVELOPMENT OF MEASURES AND PRAC-
9 TICES.—The President shall develop and publish
10 measures and practices to prevent pollution resulting
11 from federally assisted highway construction projects
12 and shall promote the implementation of such meas-
13 ures and practices. Such measures and practices
14 shall include guidance requiring the location and de-
15 sign of federally-assisted highways to be fully protec-
16 tive of water quality and aquatic habitat.

17 “(2) EROSION CONTROL GUIDELINES.—Erosion
18 control guidelines developed by the Secretary of
19 Transportation under section 1057 of the Inter-
20 modal Surface Transportation Efficiency Act of
21 1991 shall, at a minimum, require the implementa-
22 tion of the measures and practices developed under
23 paragraph (1) in the case of any construction project
24 authorized under chapter 1 of title 23, United States
25 Code.

1 “(3) APPROVAL OF HIGHWAY PROJECTS.—The
 2 Secretary of Transportation shall not approve under
 3 section 106 of title 23, United States Code, any sur-
 4 vey, plan, specification, or estimate for a proposed
 5 highway project unless the Secretary determines that
 6 the project will be constructed in accordance with
 7 the requirements contained in the erosion control
 8 guidelines referred to in paragraph (2).”.

9 **SEC. 203. AGRICULTURAL PROGRAM COORDINATION.**

10 Section 319 of the Federal Water Pollution Control
 11 Act (33 U.S.C. 1329) is further amended by adding at
 12 the end the following new subsection:

13 “(q) AGRICULTURAL PROGRAM COORDINATION.—

14 “(1) REPORT.—Not later than 1 year after the
 15 date of the enactment of this subsection, the Admin-
 16 istrator, in consultation with the Secretary of Agri-
 17 culture, shall transmit to Congress a report on—

18 “(A) the efficacy of programs to protect
 19 water quality established under sections 1212,
 20 1231, 1237, and 1238B of the Food Security
 21 Act of 1985 and section 1451 of the Food, Ag-
 22 riculture, Conservation, and Trade Act of 1990;
 23 and

1 “(B) barriers, if any, to prevention and
2 control of nonpoint sources of pollution created
3 by programs of the Department of Agriculture.

4 “(2) CONTENTS.—The report to be transmitted
5 under paragraph (1) shall, at a minimum, contain—

6 “(A) an estimate of reductions and antici-
7 pated reductions in water pollution from agri-
8 culture;

9 “(B) a description of participation in the
10 programs referred to in paragraph (1)(A), in-
11 cluding the number and acreage of farms en-
12 rolled in the programs;

13 “(C) recommendations for legislative and
14 administrative reforms to improve the effective-
15 ness of the programs referred to in paragraph
16 (1)(A); and

17 “(D) recommendations for legislative and
18 administrative reforms to remove any barriers
19 described in paragraph (1)(B).”.

1 **TITLE III—WATER QUALITY**
 2 **CRITERIA; STANDARDS;**
 3 **ANTIDEGRADATION; NEW**
 4 **SOURCES**

5 **SEC. 301. WATER QUALITY CRITERIA FOR EFFECTS OF**
 6 **NONPOINT SOURCE POLLUTION.**

7 (a) REVISION OF CRITERIA AND INFORMATION.—

8 Section 304(a) of the Federal Water Pollution Control Act
 9 (33 U.S.C. 1314) is amended by adding at the end the
 10 following new paragraph:

11 “(9) REVISION OF CRITERIA AND INFORMA-
 12 TION.—

13 “(A) IN GENERAL.—Not later than 3 years
 14 after the date of the enactment of this para-
 15 graph, and at least once every 3 years there-
 16 after, the Administrator shall revise criteria and
 17 information developed under paragraphs (1)
 18 and (2) in accordance with this paragraph and
 19 publish such revisions.

20 “(B) REQUIREMENTS.—In making revi-
 21 sions under subparagraph (A), the Adminis-
 22 trator shall—

1 “(i) consider the factors necessary to
2 restore and maintain the chemical, phys-
3 ical, and biological integrity of water bod-
4 ies;

5 “(ii) consider the factors necessary to
6 assure the protection and propagation of a
7 balanced, indigenous population of aquatic
8 and aquatic-dependent species, aquatic eco-
9 system biodiversity, and habitat mainte-
10 nance and provide for protection of public
11 health and for recreational activities in and
12 on the water;

13 “(iii) identify numerical pollutant con-
14 centration limits, where applicable, and
15 other numeric criteria for varying types of
16 waters which are sufficient to assure at-
17 tainment of all factors specified in clause
18 (ii); and

19 “(iv) identify numerical pollutant con-
20 centration limits (including, as appro-
21 priate, a limit of zero) and other numerical
22 criteria appropriate for varying types of re-
23 ceiving waters which are sufficient to as-
24 sure attainment of uses established by the
25 State.

1 “(C) USE OF BIOLOGICAL MONITORING
2 AND ASSESSMENT METHODS.—In addition to
3 establishing a pollutant concentration limit in
4 accordance with subparagraph (B), or as an al-
5 ternative to establishing such a limit where a
6 pollutant concentration limit is not yet avail-
7 able, the Administrator may establish a biologi-
8 cal monitoring and assessment method for a
9 pollutant or nonpoint source effect if the meth-
10 od includes an objective and enforceable limit
11 expressed in numerical terms. Biocriteria shall
12 supplement and shall not supersede other cri-
13 teria, including numerical criteria.”.

14 (b) INFORMATION ON PROTECTION OF WATER SUP-
15 PLIES.—

16 (1) CONTENT.—Section 304(a)(5)(A) of such
17 Act (33 U.S.C. 1314(a)(5)(A)) is amended by strik-
18 ing “for the protection of public water supplies” and
19 all that follows before the period and inserting “for
20 the protection of current and potential water sup-
21 plies and the protection and propagation of a bal-
22 anced, indigenous population of aquatic and aquatic-
23 dependent species, aquatic biodiversity, and habitat
24 maintenance and to allow for protection of public

1 health and to allow for recreational activities in and
2 on the water”.

3 (2) REVISIONS.—The Administrator shall revise
4 information published pursuant to section
5 304(a)(5)(A) of such Act in accordance with the
6 amendment made by paragraph (1).

7 (c) WATER QUALITY CRITERIA.—Section 304(a) of
8 such Act (33 U.S.C. 1314(a)) is amended by adding at
9 the end the following new paragraph:

10 “(10) WATER QUALITY CRITERIA PRIORITY.—
11 In developing and publishing criteria for water qual-
12 ity under paragraph (1), and in making revisions to
13 such criteria under paragraph (9), the Administrator
14 shall give priority to those chemical, physical, and
15 biological parameters associated with degradation of
16 water quality by nonpoint sources of pollution, in-
17 cluding—

18 “(A) total nitrogen, total phosphorus, and
19 other pollutants producing eutrophication ef-
20 fects in waterbodies;

21 “(B) pesticides in use in the United
22 States;

23 “(C) average annual sediment loads into
24 waterbodies that will prevent harmful effects on

1 aquatic life and habitat from all sources of sedi-
 2 ment, including agricultural, silvicultural, and
 3 construction site runoff;

4 “(D) parameters defining the physical
 5 structure of healthy aquatic habitat, including
 6 natural streambed formations, streambank and
 7 channel structure, and riparian vegetation;

8 “(E) parameters defining the protection,
 9 improvement, and maintenance of flow regime
 10 criteria for urban and urbanizing streams, in-
 11 cluding flow regimes (including peak discharge
 12 levels) and limits on the frequency of erosive
 13 bankfull flooding events; and

14 “(F) any pollutant listed pursuant to sec-
 15 tion 307(a)(1) for which no criteria are pub-
 16 lished.”.

17 **SEC. 302. WATER QUALITY STANDARDS.**

18 (a) NUMERICAL CRITERIA FOR NONPOINT
 19 SOURCES.—Section 303(c)(2)(B) of the Federal Water
 20 Pollution Control Act (33 U.S.C. 1313(c)(2)(B)) is
 21 amended—

22 (1) in the first sentence by inserting “and all
 23 nonpoint source pollutants” after “section 307(a)(1)
 24 of this Act”; and

1 (2) by striking the second sentence and insert-
 2 ing the following: “Such criteria shall be specific nu-
 3 merical criteria for such toxic and nonpoint source
 4 pollutants, including physical and hydrological pa-
 5 rameters.”.

6 (b) REQUIREMENT FOR WATER QUALITY STAND-
 7 ARDS PROMULGATED BY EPA.—Section 303(c)(4) of such
 8 Act is amended by adding at the end the following: “Any
 9 water quality standard promulgated under this paragraph
 10 shall be at least as protective as the criteria for water
 11 quality developed under section 304(a)(1).”.

12 **SEC. 303. FEDERAL ANTIDegradation REQUIREMENTS.**

13 Section 303 of the Federal Water Pollution Control
 14 Act (33 U.S.C. 1313) is amended by adding at the end
 15 the following new subsection:

16 “(i) ANTIDegradation REQUIREMENTS.—

17 “(1) REGULATIONS.—The Administrator shall
 18 issue regulations which—

19 “(A) extend antidegradation policies and
 20 plans that are protective of existing water qual-
 21 ity and existing in-stream uses to apply to new
 22 and existing sources of nonpoint source pollu-
 23 tion in the same manner and to the same extent
 24 that such policies and plans apply to point
 25 sources of pollution; and

“(B) extend antidegradation policies and plans that are protective of both high quality waters and outstanding national resource waters to apply to land use changes resulting in new or increased nonpoint source pollution to the same extent that such policies and plans apply to point sources of pollution.

“(2) DEADLINES.—The Administrator shall—

“(A) issue proposed regulations under paragraph (1) not later than 9 months after the date of the enactment of this subsection; and

“(B) issue final regulations under paragraph (1) not later than 12 months after the date of the enactment of this subsection.”.

SEC. 304. IDENTIFICATION OF NEW NONPOINT SOURCES OF POLLUTION.

Section 304 of the Federal Water Pollution Control Act (33 U.S.C. 1314) is amended by adding at the end the following new subsection:

“(n) IDENTIFICATION OF NEW NONPOINT SOURCES OF POLLUTION.—

“(1) GUIDANCE AND PROCEDURES.—Not later than 1 year after the date of the enactment of this subsection, the Administrator shall issue guidance and adopt procedures—

1 “(A) for identifying and recording new
2 land disturbances and alterations (including al-
3 terations and disturbances identified pursuant
4 to subsection (f)) which may generate, promote,
5 or increase pollution from nonpoint sources;
6 and

7 “(B) for ensuring that any new land dis-
8 turbances or alterations do not cause contraven-
9 tion of any applicable water quality or sediment
10 standard.

11 “(2) CONTENTS.—The guidance to be issued
12 under paragraph (1) shall contain—

13 “(A) requirements which ensure that in
14 cases in which land use changes result in new
15 sources of water pollution or in increased loads
16 of pollution from existing sources, land owners
17 and operators will (i) notify the State prior to
18 such land use changes, and (ii) install and im-
19 plement in full at the time of the land use
20 changes enhanced management measures ap-
21 propriate to the land use category;

22 “(B) requirements applicable to both pub-
23 licly and privately owned lands which ensure
24 that an antidegradation review will be con-
25 ducted concerning residual nonpoint sources of

1 pollution that can be anticipated even after in-
2 stallation and implementation of enhanced man-
3 agement measures pursuant to subparagraph
4 (A); and

5 “(C) provisions specifying that failure to
6 fully implement such management measures at
7 the time of the land use changes will constitute
8 a violation of the State’s management program
9 under section 319, as revised pursuant to sec-
10 tion 321.

11 “(3) LAND DISTURBANCES AND ALTERATIONS
12 DEFINED.—For the purposes of this subsection, the
13 term ‘land disturbances and alterations’ shall not in-
14 clude disturbances and alterations attributed to nor-
15 mal farming and ranching activities such as plowing,
16 seeding, cultivating, or harvesting for the production
17 of food and fiber.

18 “(4) ENHANCED MANAGEMENT MEASURES DE-
19 FINED.—For the purposes of this subsection, the
20 term ‘enhanced management measures’ means meas-
21 ures designed to prevent generation of runoff, incor-
22 porating siting, design, and land use management
23 and resource extraction criteria that reflect the most
24 water-quality-sensitive practices available for the

1 land use in question within the economic capacity of
 2 the land owner or operator.”.

3 **TITLE IV—CITIZEN WATERSHED** 4 **MONITORING PROGRAM**

5 **SEC. 401. CITIZEN WATERSHED MONITORING PROGRAM.**

6 Section 305 of the Federal Water Pollution Control
 7 Act (33 U.S.C. 1315) is amended by adding at the end
 8 the following new subsection:

9 “(c) CITIZEN WATERSHED MONITORING PRO-
 10 GRAM.—

11 “(1) IN GENERAL.—Each State shall establish
 12 and carry out a citizen watershed monitoring pro-
 13 gram in accordance with the requirements of this
 14 subsection.

15 “(2) IMPLEMENTATION.—A State may carry
 16 out a citizen watershed monitoring program either
 17 directly or by entering into cooperative agreements
 18 or contracts with appropriate organizations, includ-
 19 ing educational institutions.

20 “(3) PARTICIPATION.—Water quality monitor-
 21 ing under a citizen watershed monitoring program
 22 under paragraph (1) shall be conducted by program
 23 participants with appropriate qualifications and

1 training. Program participants may include stu-
2 dents, farmers, local labor organizations, natural re-
3 source conservation districts, environmental groups,
4 and other interested persons.

5 “(4) TRAINING.—A citizen watershed monitor-
6 ing program under paragraph (1) shall provide for
7 the training and evaluation of all program partici-
8 pants. Such training and evaluation shall be carried
9 out as a continuing component of the program in
10 order to ensure the reliability of data collected under
11 the program.

12 “(5) QUALITY ASSURANCE.—In conducting a
13 citizen watershed monitoring program under para-
14 graph (1), a State shall use quality assurance con-
15 trol procedures described in guidance on planning
16 and implementing volunteer monitoring programs is-
17 sued by the Environmental Protection Agency or
18 equivalent procedures developed by the State.

19 “(6) USE OF DATA.—Data obtained under a
20 citizen watershed monitoring program under para-
21 graph (1) shall be used to obtain information re-
22 quired under subparagraphs (A) and (E) of sub-
23 section (b)(1) and to develop and implement
24 nonpoint source management programs under sec-
25 tion 319, as revised pursuant to section 321.

1 “(7) AVAILABILITY OF DATA.—A State shall
2 make the data collected under a citizen watershed
3 monitoring program under paragraph (1) available
4 for public review.

5 “(8) FUNDING.—A State shall use 5 percent of
6 the amount made available to the State under sec-
7 tion 319(h) in any fiscal year beginning after the
8 date of the enactment of this subsection or \$100,000
9 (whichever amount is greater for such fiscal year) to
10 carry out this subsection.”.

○